

## REMARKS

The present application includes claims 1-23. Claims 1 and 9 were amended.

Claims 1-8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Morris et al., (U.S. patent 5,764,900). Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of anticipation, since at least one limitation of claim 1 is not taught by Morris. However, in order to further the prosecution of the application, applicant amended claim 1 to clarify that the audio response is transmitted from the personal communicator to the sound receiving sub-system of the computer. This amendment makes explicit what was already implicit in the claim.

Claim 1, as amended, requires transmitting an audio response from the personal communicator to the sound receiving and generating sub-system. Morris does not teach or suggest using a sound receiving sub-system to receive audio signals from a personal communicator. In Morris, the microphone is used to convert a sound generated by a user into a digitally encoded acoustic signal (col. 2, lines 42-44) and not to receive audio signals from a personal communicator. In Morris, the digitally encoded acoustic signals are transferred through network 120, server 130 and routing system 140 (col. 2, lines 47-52, col. 3, lines 44-50) and not through a sound receiving and generating sub-system. Applicant notes that the term "acoustic signal" is used in Morris ambiguously, as it is used to describe digitally encoded acoustic signals. A careful reading of Morris, however, makes it evident, that Morris does not teach or suggest transferring audio signals from a personal communicator to a sound receiving and generating sub-system.

Applicant further notes that the Examiner's interpretation of the computer of Morris as a personal communicator is incorrect. Applicant, however, refrains from discussing this issue in detail in view of the lack of a *prima facie* case of anticipation.

The dependent claims 2-8 are patentable at least because claim 1 is patentable. At least some of the dependent claims add further patentability over Morris.

Claim 6, for example, requires that the initiation by the computer causes the personal communicator to generate a distinct audio response. Column 2, lines 55-58, of Morris, referred to by the Examiner, only mention computer B generating and sending a different acoustic signal, not a distinct audio response caused by the initiation by the computer. From the game example on col. 3, lines 1-13, of Morris, it is clear that Morris did not contemplate that the initiation by the computer causes the personal communicator to generate a distinct audio response.

Claims 19-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., (U.S. patent 5,764,900) in view of Mark (U.S. patent 5,583,933). Applicant respectfully traverses the rejection. These claims are patentable at least because they depend on claim 1. Nonetheless, these claims add further patentability over Mark and Morris. Morris relates to communication between computers and Mark relates to a smart card. Neither relates to communication with a cellular telephone, a wireless telephone or a beeper, as required by claims 19-23.

The Examiner's reference to the telephone of Mark is inapplicable, as it is the smart card of Mark which transmits the signals and not the telephone.

Claims 9-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al., (U.S. patent 5,764,900) in view of Mark (U.S. patent 5,583,933). Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* rejection, since there is no motivation to combine the references. Applicant amended claim 9 to make implicit, what was already implicit in the claim, that the audio transmission is between the sound receiving and generating sub-system of the computer and the personal communicator. In addition, claim 9 was amended to state that the audio transmission is in a first direction between the computer and the personal communicator and the communications network is used in the other direction.

Claim 9 requires transmitting authentication signals over a closed loop including both an audio transmission section between a computer and a personal communicator and a section over a communications network between the computer and the personal communicator.

Morris does not teach or suggest transmitting authentication signals. Morris relates to communicating digitally-encoded acoustic information between computers (abstract). Nowhere does Morris relate to authentication and in an electronic search, the term was not found in Morris. Column 6, lines 14-17, referred to by the Examiner, relate to determining the virtual source of signals and not to authentication.

Mark relates to dialing and authenticating using a smart card.

Applicant sees no reason to combine the authentication method of Mark with the communication method of Morris. The motivation brought forth by the Examiner is not acceptable, since Morris does not relate to authentication or security at all.

Furthermore, Mark does not teach or suggest using audio transmission in a first direction and a communications network in a second direction.

The dependent claims are patentable at least because they depend on an allowable base claim. Nonetheless, at least some of the dependent claims add further patentability over Morris. Claim 18, for example, requires use of ultrasonic frequencies. This is not taught or suggested by Morris, which suggests DTMF audible signals. In fact, use of ultrasonic signals by Morris would not work, as they would be truncated by the telephone network, which digitally transfers only signals well below 10 KHz and generally only up to 4KHz (using a sampling rate of 8000 samples per second).

In view of the above remarks, applicant submits that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance, applicant respectfully requests that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,  
A. ATSMON

Yaakov Schatz  
Yaakov Schatz  
Reg. No. 44,320

January 11, 2005

William H. Dippert, Esq.  
Reed Smith LLP  
599 Lexington Avenue, 29th Floor  
New York, NY 10022-7650